

R# 566517

EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

VICTORIA LAWRENCE,  
Plaintiff,

v.

Case: 5:08-cv-10272  
Judge: O'Meara, John Corbett  
Referral MJ: Morgan, Virginia M  
Filed: 01-17-2008 At 04:26 PM  
CPL: LAWRENCE V. COLLECTCORP CORP ( NH)

**COMPLAINT AND JURY DEMAND**

COLLECTCORP CORPORATION,  
Defendant.

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I  
**INTRODUCTION**

1. This lawsuit is brought by Plaintiff, Victoria Lawrence for Defendants, Collectcorp Corporation and Bank of America's actions in collecting a debt under 15 USC 1692 under the Fair Debt Collection Practices Act, as well as other theories based on State statute and common law, and seek imposition of civil penalties including actual, exemplary and punitive damages, treble damage where available, and award of costs, including attorney fees.

II  
**JURISDICTION AND VENUE**

2. This Court has subject matter jurisdiction under 28 USC 1331, 15 USC 1692 and 28 USC 1367 for pendent state law claims.

3. Venue is proper in the Eastern District of the State of Michigan where the Defendants conduct business and the cause of action arose in the District.

### III PARTIES

#### Plaintiffs

4. Plaintiff, Victoria Lawrence is a resident of the city of Burton, Genesee County, Michigan.

#### Defendants

5. Defendant, Collectcorp Corporation is an Arizona debt collection company, engaged in the business of collecting debts in Genesee County, Michigan.

### IV FACTS

6. Plaintiff, Victoria Lawrence got behind on her credit card payments, resulting in a campaign of harassment and mental torture against her by Defendant, Collectcorp.
7. Defendant's agents called Ms. Lawrence upto 20-25 times per day, making numerous threats against her if she did not pay her outstanding bill in full.
8. Ms. Lawrence's husband was extremely ill and she requested that Defendant not call so many times as it was very disruptive and harmful to her husband.
9. Defendant ignored Ms. Lawrence's pleas, continuing to call as before.
10. Among the many threats made, Defendant's agents threatened "I'm going to get you one way or the other," and to threaten Ms. Lawrence's husband's credit.
11. Defendant's agents called Ms. Lawrence a "low life."

**V**  
**CAUSES OF ACTION**

**COUNT I – VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT  
(FDCPA) UNDER 15 U.S.C. § 1692**

12. Defendant is liable to Plaintiff for violation of her rights under the Fair Debt Collection Practices Act (FDCPA) under 15 U.S.C. § 1692.
13. Defendant is a “debt collectors,” as defined by the FDCPA.
14. Defendant harassed, abused and oppressed Plaintiff, using unfair and unconscionable means to collect a debt in violation of the FDCPA, causing emotional distress and damages.

**COUNT II – VIOLATION OF THE MICHIGAN CONSUMER PROTECTION ACT  
UNDER MCL 445.901**

43. Defendant is liable to Plaintiff for violation of the Michigan Consumer Protection Act under MCL 445.901.
44. Defendants violated Plaintiffs’ rights under the MCPA by engaging in harassing, abusive, oppressive and unfair means to collect a debt, causing emotional distress and damages.

**COUNT III – VIOLATION OF THE MICHIGAN OCCUPATIONAL CODE AS ALTERNATIVE TO CLAIMS UNDER THE MICHIGAN COLLECTION PRACTICES ACT**

45. Defendant is a debt collection agency under the Michigan Occupational Code, MCL 339.901(b).
46. Plaintiff is a debtor under the same statute.

47. Defendant's willful conduct in attempting to collect on the debt is a violation of the Code, causing Plaintiff emotional distress and damages.

**COUNT IV – VIOLATION OF THE DEBT COLLECTION PRACTICES ACT AS AN ALTERNATIVE TO THE CLAIMS UNDER THE MICHIGAN OCCUPATIONAL CODE**

48. Defendant is a "regulated person" under the Michigan Debt Collection Practices Act, MCL 445.251(g)(xi).

49. Defendant's conduct in attempting to collect the debt against Plaintiff constitutes wilfull violation of the Michigan Debt Collection Practices Act, causing Plaintiff emotional distress and damages.

**REQUEST FOR RELIEF**

WHEREFORE, Plaintiff respectfully request that judgment be entered against the Defendant for the following:

- A. Actual damages;
- B. Statutory damages;
- C. Punitive and exemplary damages;
- D. Treble damages;
- E. Costs and reasonable attorney fees; and
- F. Such other and further relief as may be just and proper.

PLAINTIFF DEMANDS TRIAL BY JURY

Dated: 1/17/08

Respectfully submitted,

  
Rex C. Anderson (P47068)  
Attorney for Plaintiff  
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Davison, MI 48423  
(810) 653-3300  
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**CIVIL COVER SHEET** County in which this action arose *Genesee*

This civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of maintaining the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THIS FORM.)

**(a) PLAINTIFFS**

VICTORIA LAWRENCE

(b) County of Residence of First Listed Plaintiff GENESEE  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

REX C. ANDERSON, 9459 Lapeer, Davison, MI 48423 810-653-3300

**DEFENDANTS**

COLLECTCORP CORPORATION

MARICOPA COUNTY

STATE OF ARIZONA

County of Residence of First Listed Defendant

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**II. BASIS OF JURISDICTION** (Select One Box Only)

- 1 U.S. Government Plaintiff  3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant  4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Select One Box for Plaintiff and One Box for Defendant)

Citizen of This State	PTF <input checked="" type="checkbox"/>	DEF <input type="checkbox"/>	Incorporated or Principal Place of Business In This State	PTF <input type="checkbox"/>	DEF <input checked="" type="checkbox"/>
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

**IV. NATURE OF SUIT** (Select One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<input type="checkbox"/> 410 Agriculture	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<b>PROPERTY RIGHTS</b>	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 840 Trademark	<input checked="" type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability	<b>SOCIAL SECURITY</b>	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 390 Other	<input type="checkbox"/> 861 HIA (1395f)	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<b>LABOR</b>	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 850 Securities/Commodities/ Exchange
<input type="checkbox"/> 195 Contract Product Liability		<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 875 Customer Challenge 12 USC 3410
<input type="checkbox"/> 196 Franchise		<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 890 Other Statutory Actions
		<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 891 Agricultural Acts
		<input type="checkbox"/> 740 Railway Labor Act	<b>FEDERAL TAX SUITS</b>	<input type="checkbox"/> 892 Economic Stabilization Act
		<input type="checkbox"/> 750 Other Labor Litigation	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 893 Environmental Matters
		<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 894 Energy Allocation Act
				<input type="checkbox"/> 895 Freedom of Information Act
				<input type="checkbox"/> 900 Appeal of Fee Determination Under Access to Justice
				<input type="checkbox"/> 950 Constitutionality of State Statutes

**V. ORIGIN** (Select One Box Only)

- 1 Original Proceeding  2 Removed from State Court  3 Remanded from Appellate Court  4 Reinstated or Reopened  5 Transferred from another district (specify)  6 Multidistrict Litigation  7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION**Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
15 USC 1692

Brief description of cause:

This is a violation of the Fair Debt Collection Practices Act case

**VII. REQUESTED IN COMPLAINT:** CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:  
JURY DEMAND:  Yes  No**VIII. RELATED CASE(S)**

IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY ON RECORD

January 17, 2008

*Dick Ceder*

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFFP

JUDGE

MAG. JUDGE

SUANT TO LOCAL RULE 83.11

Is this a case that has been previously dismissed?

Yes  
 No

If yes, give the following information:

Court: \_\_\_\_\_

Case No.: \_\_\_\_\_

Judge: \_\_\_\_\_

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

Yes  
 No

If yes, give the following information:

Court: \_\_\_\_\_

Case No.: \_\_\_\_\_

Judge: \_\_\_\_\_

Notes :

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